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## REISSUE LITIGATION

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PTO/SB/50 (4/98)

Approved for use through 09/30/2000. OMB 0651-0033

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## REISSUE PATENT APPLICATION TRANSMITTAL

Address to:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

Attorney Docket No. 20238.2RE

First Named Inventor Larson

Original Patent Number 5,979,350

Original Patent Issue Date 11/9/1999  
(Month/Day/Year)

Express Mail Label No.

EL588979067US

## APPLICATION FOR REISSUE OF:

(check applicable box)



Utility Patent



Design Patent



Plant Patent

## APPLICATION ELEMENTS

1. ☒ \* Fee Transmittal Form (PTO/SB/56)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification and Claims (amended, if appropriate)
3. ☐ Drawing(s) (proposed amendments, if appropriate)
4. ☒ Reissue Oath / Declaration (original or copy)  
(37 C.F.R. § 1.175)(PTO/SB/51 or 52)
5. Original U.S. Patent  
☒ Offer to Surrender Original Patent (37 C.F.R. § 1.178)  
(PTO/SB/53 or PTO/SB/54)  
or  
☐ Ribboned Original Patent Grant  
☐ Affidavit / Declaration of Loss (PTO/SB/55)
6. Original U.S. Patent currently assigned?  
☒ Yes ☐ No

(If Yes, check applicable box(es))

☒ Written Consent of all Assignees (PTO/SB/53 or 54)☒ 37 C.F.R. § 3.73(b) Statement ☒ Power of Attorney

## ACCOMPANYING APPLICATION PARTS

7. ☐ Foreign Priority Claim (35 U.S.C. 119)  
(if applicable)
8. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
9. ☐ English Translation of Reissue Oath/Declaration  
(if applicable)
10. ☐ \* Small Entity Statement(s) ☒ Statement filed in prior application, Status still proper and desired  
(PTO/SB/09-12)
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
13. ☒ Other: See Attachment to PTO/SB/50 (4/98)

\* NOTE FOR ITEMS 1 & 10: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

## 14. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name	Carl M. Napolitano, Ph.D.				
	Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.				
Address	P.O. Box 3791				
City	Orlando	State	FL	Zip Code	32802-3791
Country	US	Telephone	407-841-2330	Fax	407-841-2343

NAME (Print/Type)	Carl M. Napolitano	Registration No. (Attorney/Agent)	37,405
Signature	Carl M. Napolitano	Date	6/30/00

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# REISSUE APPLICATION

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REISSUE APPLICATION FEE TRANSMITTAL FORM						Docket Number (Optional) 20238.2RE		
<b>Claims as Filed - Part 1</b>								
Claims in Patent	For	Number Filed in Reissue Application	(3) Number Extra	Small Entity		Other than a Small Entity		
				Rate	Fee	Rate	Fee	
(A) 49	Total Claims (37 CFR 1.16(j))	(B) 49	**** 0 =	x \$ - =	0	or	x \$ - =	
(C) 7	Independent Claims (37 CFR 1.16(i))	(D) 7	* 0 =	x \$ - =	0		x \$ - =	
Basic Fee (37 CFR 1.16(h))					\$345		\$ -	
Total Filing Fee					\$345	OR	\$ -	
<b>Claims as Amended - Part 2</b>								
	(1) Claims Remaining After Amendment		(2) Highest Number Previously Paid For	(3) Extra Claims Present	Small Entity		Other than a Small Entity	
					Rate	Fee	Rate	Fee
Total Claims (37 CFR 1.16(j))	***	MINUS	**	=	x \$ - =		or	x \$ - =
Independent Claims (37 CFR 1.16(i))	***	MINUS	*****	=	x \$ - =			x \$ - =
Total Additional Fee					\$ 0	OR	\$ -	
<p>* If the entry in (D) is less than the entry in (C), Write "0" in column 3.</p> <p>** If the "Highest Number of Total Claims Previously Paid For" is less than 20, Write "20" in this space.</p> <p>*** After any cancellation of claims</p> <p>**** If "A" is greater than 20, use (B - A); if "A" is 20 or less, use (B - 20).</p> <p>***** "Highest Number of Independent Claims Previously Paid For" or Number of Independent Claims in Patent (C).</p>								
<p><input checked="" type="checkbox"/> Please charge Deposit Account No. <u>01-0484</u> in the amount of <u>\$345.00</u>. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 or 1.17 which may be required, or credit any overpayment to Deposit Account No. <u>01-0484</u>. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing / additional fee is enclosed.</p>								
<u>6/30/00</u> Date		 Signature of Applicant, Attorney or Agent of Record <u>Carl M. Napolitano, Ph.D.</u> Typed or printed name						

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07-03-00

A / ReIssue  
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REISSUE LITIGATION

REISSUE

LITIGATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application  
for Patent No. 5,979,350 of:

**BORDEN M. LARSON ET AL.**

Serial No. **09/036,826**

Filing Date: **March 9, 1998**

Issue Date: **November 9, 1999**

For: **WATER SPORT TOWING APPARATUS  
AND METHOD**

Asst. Commissioner for Patents  
Washington, D.C. 20231

Sir:

**APPLICATION FOR REISSUE**

Pursuant to 35 U.S.C. §§251 and 252, Applicant hereby requests consideration of the enclosed corrections to the above-referenced issued patent. Included herewith are:

1. Reissue Patent Application Transmittal (PTO/SB/50).
2. Reissue Application Fee Transmittal Form (PTO/SB/56).
3. Reissue Application Declaration by the Inventor (PTO/SB/51).
4. Reissue Application Declaration by the Assignee (PTO/SB/52).
5. Single column format copy of issued U.S. Patent No. 5,979,350, including amendment regarding cross-reference to related application.
6. Offer to Surrender Patent.
7. Certificate Under 37 CFR § 3.73(b).
8. Statement Under MPEP 1442.02 Regarding Concurrent Litigation
9. Transmittal of Information Disclosure Statement (including cited references).
10. Request for Transfer of Drawings.
11. Petition to Correct Inventorship Pursuant to 37 CFR § 1.324.

## REISSUE LITIGATION

12. Joint Declaration of Borden M. Larson and William N. Snook in Support of Correction of Inventorship Under 37 CFR § 1.324.

13. Declaration of Robert Todd in Support of Correction of Inventorship Under 37 CFR § 1.324.

14. Consent of Assignee to Correct Inventorship Pursuant to 37 CFR § 1.324.

15. Assignment.

16. Exhibits:

A. Certificate of Correction documents filed for U.S. Patent No. Des. 409,972 to correct inventorship (20 pages).

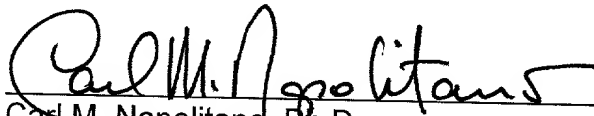
B. Copy of U.S. Patent No. Des. 409,927 (3 pages).

Also included is authorization for fee payments for the Reissue Application (\$345.00), Petition to Correct Inventorship (\$130.00), and Recording of Assignment (\$40.00) to be charged to Deposit Account No. 01-0484. The Commissioner is authorized to charge or credit any discrepancies in fee amounts to Deposit Account No. 01-0484.

### IN THE SPECIFICATION

The Specification, including the originally issued claims, is included herewith in single-column format. No additions or deletions are to be made to the Specification as issued, with the exception of the claim to priority presented in added section "Cross-Reference to Related Application."

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37,405

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Agent for Applicant

[illegible]

**ATTACHMENT TO PTO/SB/50 (4-98) - OMB 0651-0033**

OTHER ACCOMPANYING APPLICATION PARTS INCLUDE THE FOLLOWING:

- ☒ Statement Under MPEP 1442.02 Regarding Concurrent Litigation
- ☒ Request for Transfer of Drawings
- ☒ Petition to Correct Inventorship Pursuant to 37 CFR § 1.324.
- ☒ Joint Declaration of Borden M. Larson and William N. Snook in Support of Correction of Inventorship Under 37 CFR § 1.324.
- ☒ Declaration of Robert Todd in Support of Correction of Inventorship Under 37 CFR § 1.324.
- ☒ Consent of Assignee to Correct Inventorship Pursuant to 37 CFR § 1.324.
- ☒ Assignment to *Correct Craft, Inc.* from Borden Larson, William N. Snook and Robert Todd with Recordation Cover Sheet Attached.
- ☒ Appendix A to Petition to Correct Inventorship Pursuant to 37 CFR § 1.324 including paperwork and Petition to Correct Inventorship Pursuant to 37 CFR § 1.324 for Design Patent No. 409,972.
- ☒ Appendix B: Copy of U.S. Patent No. Des. 409,927

# REISSUE LITIGATION

PTO/SB/52 (08-99)

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<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		Docket Number (optional) 20238.2RE
I hereby declare that: My residence and post office address and citizenship are stated below next to my name. I am authorized to act on behalf of the following assignee: <u>Correct Craft, Inc.</u> and the title of my position with said assignee is: <u>President</u> The entire title to the patent identified below is vested in said assignee.		
Name of Patentee(s): <u>Borden M. Larson, et al.</u>		
Patent Number <u>5,979,350</u>	Date of Patent Issued <u>11/9/1999</u>	
Title of Invention <u>Water Sport Towing Apparatus and Method</u>		
I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled <u>Water Sport Towing Apparatus and Method</u> , the specification of which <input checked="" type="checkbox"/> is attached hereto. <input type="checkbox"/> was filed on _____ as reissue application number ____ / _____ and was amended on _____ (If applicable) I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.) <input checked="" type="checkbox"/> by reason of a defective specification or drawing. <input type="checkbox"/> by reason of the patentee claiming more or less than he had the right to claim in the patent. <input checked="" type="checkbox"/> by reason of other errors. At least one error upon which reissue is based is described as follows:  <u>See Attachment to PTO/SB/52 (08/99)</u>  [Attach additional sheets, if needed.] All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.		

[Page 1 of 2]

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[Page 2 of 2]

# REISSUE LITIGATION

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PTO/SB/54 (12-97)  
Approved for use through 9/30/00. OMB 0851-0033  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) 20238.2RE
<p>This is part of the application for a reissue patent based on the original patent identified below.</p>		
Name of Patentee(s): Borden M. Larson, et al.		
Patent Number 5,979,350	Date Patent Issued 11/9/1999	
Title of Invention Water Sport Towing Apparatus and Method		
<p>Correct Craft, Inc. _____ is the assignee of the entire interest in the original patent.</p> <p>I offer to surrender the original patent.</p> <p><input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.</p> <p>I am authorized to act on behalf of the assignee.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.</p>		
Name of assignee Correct Craft, Inc.		
Signature of person signing for assignee 		Date 6/27/00
Typed or printed name and title of person signing for assignee Walter N. Meloon, President		

JC836 U.S. PTO  
09/613154



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UNITED STATES PATENT AND TRADEMARK OFFICE

**CERTIFICATE OF CORRECTED INVENTORSHIP  
UNDER 37 C.F.R. §1.324**

PATENT NO. :	409,972
DATED :	May 18, 1999
INVENTOR(S) :	Robert Todd, Winter Park, Florida; Borden M. Larson, Orlando, Florida; and William N. Snook, Orlando Florida.; as Amended.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Inventors: Robert Todd, Winter Park, Florida ; Borden M. Larson and William N. Snook, both of Orlando, Florida.

MAILING ADDRESS OF SENDER:

Herbert L. Allen  
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
P. O. Box 3791, Orlando, FL 32802-3791  
Phone: (407) 841-2330  
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PATENT NO. 409,972

# WATER SPORT TOWING APPARATUS AND METHOD

## CROSS-REFERENCE TO RELATED APPLICATION

This Application is a Continuation-in-Part of and incorporates by reference Application Serial Number 29/078,494, filed October 27, 1997 and issuing as United States Patent No. Des. 409,972 on May 18, 1999, all of which are commonly owned and assigned.

## FIELD OF INVENTION

The present invention generally relates to towing of a performer by a vessel, and more particularly to enhancing performance of the performer using a water sport implement while maintaining stability of the vessel.

## BACKGROUND OF THE INVENTION

Wakeboarding has become one of the fastest growing sports in the world. In the sport of wakeboarding, there is an ever increasing need for the tow boat to create a larger wake to ride. Unlike waterskiing, the performer on a wakeboard is looking for as large a wake as possible. Further, by anchoring the tow line at a high elevation above the boat deck, the greater the ability of the performer to lift higher into the air, whether with a ski or wakeboard.

Tow rope pylons are known in the art, such as those described in U.S. Pat. No. 4,893,577 to Jennings and U.S. Pat. No. 4,641,597 to Paxton. A typical skiling and wakeboarding pylon has a height of approximately three feet to eight above the floor of the boat. Pylon heights have increased to accommodate the ever increasing height of jumps across the wake by wakeboarders. The extended pylons run a cable from the top of the pylon to the bow of the boat as a guy wire. This wire interferes with movement inside the boat. Further, these extended height pylons have not satisfied wakeboarders with their performance. They do give the performer the ability to get bigger air on the jumps, but the extended pylons flex too much when the performer cuts away or to the wake. During these cuts, the boat heels to a point of instability for the boat and a hazard for all concerned. The guy wire provides support when the skier is pulling straight back, but offers less support when the skier is pulling from the side.

The simplest way to increase the size of the wake is to increase the amount of weight inside a boat. Typically, this has been done by adding lots of people. Alternatively, the industry's response has been to include water bladders in the boat or other weighting materials such as buckets filled with concrete, rocks, or sand.

In one bladder system, a liner is placed inside of a canvas sack or bag. Filling the liner full of water by use of a bilge pump with hoses, wires and clips, can add weight to the back of a boat. However, this process is awkward and cumbersome. Another attempt at adding weight to the back of a boat is believed to include two gates on a transom of a boat. A cable is pulled to open the two gates and thereby flood two tanks located behind the transom of the boat. The tanks are drained by opening the gates. This system required a four foot high boat hull, where typical sports towing boats have a transom or hull height of only thirty inches from bottom to top of the gunwale.

As described, by way of example with reference to U.S. Pat. No. 5,645,003 to Grinde, it is known to add water for ballasting, typically uniformly along the length of the boat or forward, as in U.S. Pat. No. 4,528,927 to Iizuka et al. for enhancing the planing of the vessel. Typically ballast pumps are used to control the amount of water within the ballasting, as described, by way of example, with reference to U.S. Pat. No. 5,215,025 to Talmor.

It is typically thought that by simply adding more weight to the boat, the wake will become bigger and better. However, the shape of the wake is as important as the size.

The perfect slope, length and hardness of the lip of a wake are also important to enable the performer to release from the wake and achieve a desired launch into the air. Further, it is important that wake control be done in a relatively rapid and timely manner, not available with use of a typical ballast pump.

#### SUMMARY OF THE INVENTION

In view of the foregoing background, it is therefore an object of the present invention to improve the aerial characteristics of a performance by a performer using a water sport implement, such as a wakeboard or ski, by way of example, and being towed by a vessel while maintaining the stability of the vessel.

This and other objects, features, and advantages of the invention, are provided by a method aspect of the invention comprising the steps of providing a vessel behind which the performer is to be towed, the vessel including a bow, a stern and an operator station between opposing sides, and fitting a first relatively rigid vertical support structure to a first one of the sides and fitting a second relatively rigid vertical support structure to a second one of the sides, and then extending a generally horizontal bridging portion between upper extremities of the first and second vertically extending support structures, at a height substantially above the level of the operator station. A tow rope is attached to the horizontally extending bridging portion, and the vessel is operated in a body of water while towing the performer from the horizontally extending bridging portion.

In an alternate method, the first and second generally vertically extending support structures are pivotally attached to the respective sides of the vessel, so as to permit the first and second support structures to be rotated downwardly so that the vessel may pass underneath a bridge or into a boat house.

An apparatus of the present invention comprises a vessel behind which the performer is to be towed, the vessel including a bow, a stern and an operator station between opposing sides, a first relatively rigid vertical support structure fitted to a first one of the sides of the vessel, a second relatively rigid vertical support fitted structure to a second one of the sides of the vessel, and a generally horizontal bridging portion extending between upper extremities of the first and second vertically extending support structures, at a height substantially above the level of the operator station. A tow rope is attached to the horizontally extending bridging portion for towing the performer from the horizontally extending bridging portion while operating the vessel in a body of water.

In an alternate embodiment, the apparatus further comprises pivotally attaching means for attaching the first and second generally vertically extending support structures to the respective sides of the vessel, so as to permit the first and second support structures to be rotated downwardly so that the vessel may pass underneath a bridge or into a boat house. In yet another embodiment, each of the first and second vertical support structures comprise a forward vertical support element and an aft vertical support element, and wherein the apparatus further comprises a plurality of transversely extending bars between each of the forward and aft vertical support elements.

#### BRIEF DESCRIPTION OF DRAWINGS

A preferred embodiment of the invention as well as alternate embodiments are described by way of example with reference to the accompanying drawings in which:

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FIG. 14 is a schematic of a ballast tank control system of the present invention.

The present invention will now be described more fully hereinafter with reference to the accompanying drawings, in which preferred embodiments of the invention are shown. This invention may, however, be embodied in many different forms and should not be construed as limited by the embodiments set forth herein. Rather, these embodiments are provided so that this disclosure will be thorough and complete, and will fully convey the scope of the invention to those skilled in the art. Like numbers refer to like elements throughout.

Referring now initially to FIGS. 1-3, a preferred embodiment of the present invention is herein described, by way of example, by a water sports system 10 for improving aerial characteristics of a performance by a performer 12 using a water sports implement such as a wakeboard 14. The system 10 comprises a vessel 16 behind which the performer 12 is to be towed. The vessel 16 includes a bow 18, a stern 20, and an operator station 22 between opposing starboard and port sides 24, 26. A towing structure referred herein as a vertical support unit 100 is fitted to the vessel 16. The vertical support unit 100, as will be further described later in this section, includes an upper portion 102 at a height above the level of the operator station 22 and is adapted for securing a tow rope 23 thereto. The tow rope 23 is attached to the upper portion 102 of the vertical support unit 100 for towing the performer 12, as illustrated again with reference to FIG. 1. The system 10 further includes a ballast assembly 200 which includes starboard and port ballast tanks 202, 204 fitted onboard and only aft, preferably within only the stern 20, extending from the transom toward amidships of the vessel 16, unlike typical ballast systems which fully extend bow to stern. Alternate embodiments include a single ballast tank. An extractor 206 is fitted to the hull of the vessel 16

It is to be noted that various sized vessels will have varying length ballast tanks for extending the tank from the transom area to toward amidships to provide a desirable wake. Simply weighting down the vessel stern only proximate the transom leads to excess plowing of the vessel and an undesirable wake. Further, displacement boats having ballast from stern to bow, typically do not permit planing, desirable in a sports towing vessel. As a result, a certain amount of planing is to be maintained. By extending the ballast tank as herein described, an effective vessel performance and wake is achieved. Without deviating from the invention, alternate embodiments are now herein described.

In yet another embodiment, and with reference to FIG. 4, the vertical support unit 100 comprises a pylon 118 extending from the floor 34 of the vessel 16 and having an upper portion adapted for securing the tow rope 28 thereto. As illustrated again with reference to FIG. 2, and illustrated further with reference to FIG. 5, a tow rope connecting element 120 is attached to the upper portion of the vertical support unit 100, preferably to the horizontal bridging port 108 of the aft U-shaped support structure 112 for attaching the tow rope 28 thereto. The tow rope connecting element is mounted at a height 36 between 6'3" and 7 feet above the floor 34 of the vessel 16, but it is expected that other heights will be selected by those skilled in the water sports arts. At this height 36, passengers on the vessel can comfortably walk under the U-shaped support structure 112 and the tow line 28 extending rearwardly from the boat for pulling the performer 12 while, at the same time, maintaining stability for the vessel 16 as the performer maneuvers around the vessel during the performance.

The skeletal frame is an improvement over the pylon by providing a generally more rigid unit 100 secured to four mounting locations 122 at sides 24, 26 of the vessel 16. In

Trailing of the vessel is made more convenient with this rotating feature. In the event the overall height of the unit 100 needs to be reduced for trailing, for example, the unit 100 is rotatable to a position 134 shown in dotted lines in FIG. 6 or is removable entirely from the vessel 16. As illustrated again with reference to FIGS. 7 and 8, the pin or bolt 130 is removed from the appropriate anchoring plates 124 for rotating the unit 100 onto the forward deck of the vessel or aft at the convenience of the operator.

As illustrated with reference to FIG. 10, a clear line of sight is provided for individuals sitting in the seats 44 so as not to interfere with the steering of the vessel 16 or the maneuvering of passengers onboard. As illustrated, by way of example with reference to FIGS. 11-13, various embodiments for the unit 100 of the present invention are possible without deviating from the intent and value of the present invention.

In preferred embodiments of the ballast tanks 202, 204 and with reference again to FIGS. 3 and 14, the ballast tanks are enclosed and each have an opening arranged through vent lines 214, 216 for venting air into and out of each of the enclosed tanks 202, 204 respectively. Further, an air control valve 218 is within easy reach by the vessel operator for manually controlling air venting to each of the ballast tanks. It is anticipated that electrically, pneumatically or hydraulically operated control valves may be appropriate. The extractor 206, earlier described, includes a water scoop 220 positioned below the water line 212 and on the hull 46 of the vessel 16 for extracting the ballast water 208 from the body of water 30 as the vessel 16 moves through the body of water and delivering the ballast water 208 through a water intake line 221 connected between the scoop 220 and ballast tanks 202, 204. In an alternate embodiment, a two way pump 222 is placed within the line 221 and used for enhancing the extracting and dumping of the ballast water 208. Further, a shut off valve 223 is fitted within the line 221. As illustrated

As illustrated with reference again to FIG. 3, intermediate of the stern 20 and bow 18 is the operator's seat 45 within which the operator sits to control steering while viewing instruments. The air control valve 218 is within easy reach of the operator.

To remove the water 208 from the tanks 202, 204, the vessel comes to a stand still in a preferred method of dumping the ballast water. The shutoff valve 223 is then opened, with the opening of the air control valve 218 for allowing air into the air lines 214, 216. Through the forces of gravity, the water 208 flows out of the tanks 202, 204 through the intake line 221 and out through the opened shutoff valve 223 to the surrounding body of water 30.

Accordingly, many modifications and other embodiments of the invention will come to the mind of one skilled in the art having the benefit of the teachings presented in the foregoing descriptions and the associated drawings. Therefore, it is to be understood that the invention is not to be limited to the specific embodiments disclosed, and that modifications and embodiments are intended to be included within the scope of the appended claims.

1. A method for improving aerial characteristics of a performance by a performer using a water sport implement and being towed behind a vessel while maintaining the stability of the vessel, the method comprising the steps of:

fitting a first relatively rigid vertical support structure to a first one of the sides and fitting a second relatively rigid vertical support structure to a second one of the sides, and then extending a generally horizontal bridging portion between upper extremities of the first and second vertically extending support structures, amidships and at a height substantially above the operator station;

attaching a tow rope to the horizontally extending bridging portion; and

2. The method according to claim 1, wherein the fitting step comprises the steps of:

fixedly attaching a longitudinally extending bar between each of the forward and aft vertical support elements for forming a skeletal frame.

4. The method according to claim 2, further comprising the step of rearwardly angling each of the forward vertical support elements.

6. The method according to claim 1, wherein the first and second one of the sides correspond to starboard and port floor portions, respectively.

8. The method according to claim 1, wherein the bridging portion comprises a tow rope connecting element for attaching the tow rope thereto, and wherein the attaching step comprises the step of attaching the tow rope to the tow rope connecting element.

10. The method according to claim 1, wherein the support structures and bridging portion are formed from aluminum.

12. A method for towing a performer using a water sport implement and being towed behind a vessel while maintaining the stability of the vessel, the method comprising the steps of:

a first relatively rigid vertical support structure fitted between the sides of the vessel at a point forward of the operator station;

- a second relatively rigid vertical support structure fitted between the sides of the vessel aft of the first relatively rigid vertical support structure;
- a generally horizontal bridging portion extending between upper portions of the first and second vertically extending support structures, at a height substantially above the level of the operator station; and
- a tow rope attached to the horizontally extending bridging portion for towing the performer from the horizontally extending bridging portion while operating the vessel in a body of water.

23. The apparatus according to claim 22, further comprising attaching means for attaching the first and second generally vertically extending support structures to the respective sides of the vessel, the attaching means operable so as to permit the first and second support structures to be rotated downwardly so that the vessel may pass underneath a bridge or into a boat house.

24. The apparatus according to claim 22, wherein each of the first and second vertical support structures comprise a forward vertical support element and an aft vertical support element, and wherein the apparatus further comprises a plurality of longitudinally extending bars fixedly attached between each of the forward and aft vertical support elements thus forming a skeletal frame.

25. The apparatus according to claim 24, wherein the plurality of longitudinally extending bars are generally parallel to the floor of the vessel.

26. The apparatus according to claim 24, wherein the forward vertical support element is rearwardly angled for having its lower extremity forward of its upper extremity.

27. The apparatus according to claim 22, wherein the first and second one of the sides correspond to starboard and port deck portions, respectively.

28. The apparatus according to claim 22, wherein the first and second one of the sides correspond to starboard and port floor portions, respectively.

29. The apparatus according to claim 22, wherein the height above the level of the operator station is at least six feet above the vessel floor.

30. The apparatus according to claim 22, further comprising a tow rope connecting element attached to the bridging portion for attaching the tow rope thereto.

31. The apparatus according to claim 22, wherein the skeletal frame is formed from aluminum.

32. The apparatus according to claim 22, further comprising a plurality of anchoring plates attached to the vessel, and wherein each of the lower extremities of the vertical supports are fitted to one of the plurality of anchoring plates.

33. A towing apparatus for a performer using a water sport implement and being towed behind a vessel while maintaining the stability of the vessel, the vessel having a bow, a stern, opposing sides extending from the bow to the stern, and an operator station located amidships between the opposing sides, the towing apparatus comprising:

- a first relatively rigid U-shaped support structure for fitting to the sides across the beam of the vessel at a point forward of the operator station and positioned amidships substantially above the level of the operator station;
- a second relatively rigid U-shaped support structure for fitting to the sides across the beam of the vessel and positioned amidships substantially above the level of the operator station;
- a plurality of bars extending between the U-shaped support structures so that the first and second U-shaped

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tow rope attaching means fitted to the upper portion of the skeletal frame for attaching a tow rope thereto.

35. The apparatus according to claim 33, wherein the longitudinally extending bars are generally parallel to the floor of the vessel.

37. The apparatus according to claim 33, further comprising a plurality of anchoring plates for attaching the skeletal frame to the vessel, and wherein each of lower extremities of the U-shaped supports is attached to one of the plurality of anchoring plates.

providing a vessel behind which the performer is to be towed, the vessel including a bow, a foredeck aft the bow, a stern, opposing sides extending from the bow to the stern, and an operator station positioned amidships between the bow and the stern, aft of the foredeck;

attaching a tow rope to the bridging portion;

operating the vessel in a body of water while towing the performer from the horizontal bridging portion.

providing a vessel behind which the performer is to be towed, the vessel including a bow, a stern and an operator station between opposing sides;

attaching a tow rope to the horizontally extending bridging portion; and

operating the vessel in a body of water while towing the performer from the horizontally extending bridging portion.

41. A vessel and towing tower for permitting a towed performer to achieve improved aerial characteristics while transmitting rearward towing forces amidships to spaced sides of the vessel, comprising:

a rigid towing tower including at least four spaced, generally vertically-extending legs, two of the legs comprising a forward leg pair, each leg of the forward leg pair removably attached to a corresponding side of the vessel at an attachment point forward of the laterally-extending first windshield portion, the other two legs comprising a rearward leg pair each of which is removably attached to a corresponding side of the vessel at an attachment point aft of the laterally-extending first windshield portion;

a tow rope receiver fitted to an aft one of the lateral members of the overhead frame; and wherein the first and second leg pairs, the respective attachment points and the overhead tow structure are imparted with sufficient structural strength so as to maintain structural integrity while transferring rearward forces generated by towing the performer to the vessel's sides.

42. The vessel and towing tower according to claim 41, further comprising:

43. The vessel and towing tower according to claim 41, further comprising:

44. The vessel and towing tower according to claim 41, wherein each leg of the forward leg pair is angled upwardly and rearwardly toward the stern sufficiently to extend vertically over the operator station.

46. The vessel and towing tower according to claim 45, wherein the support member extends rearwardly in a plane generally parallel with the plane of the corresponding side.

48. The vessel and towing tower according to claim 41, wherein one leg pair and one of the lateral members of the overhead tow structure are formed together as a generally U-shaped support member. \*

\* \* \* \* \*

# REISSUE LITIGATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application for Patent No. 5,979,350 of:

**BORDEN M. LARSON ET AL.**

Serial No. 09/036,826

Filing Date: **March 9, 1998**

Issue Date: **November 9, 1999**

For: **WATER SPORT TOWING APPARATUS AND METHOD**

Asst. Commissioner for Patents  
Washington, D.C. 20231

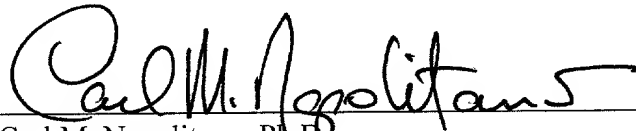
Sir:

### REQUEST FOR TRANSFER OF DRAWINGS

Applicant for reissue hereby requests transfer of the official drawings contained in the file of the above-identified Patent No. 5,979,350 to the present application for reissue.

Please charge all costs incurred by reason of the above request to Deposit Account No. 01-0484.

Respectfully submitted,



Carl M. Napolitano, Ph.D.

Reg. No. 37,405

Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.

255 S. Orange Avenue, Suite 1401

Post Office Box 3791

Orlando, Florida 32802

(407) 841-2330

Agent for Applicant

### CERTIFICATE OF EXPRESS MAILING

I hereby certify that the foregoing is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to the Assistant Commissioner for Patents, Washington D. C. 20231, Express Mail No. EL588979067US this 30<sup>th</sup> day of June, 2000.



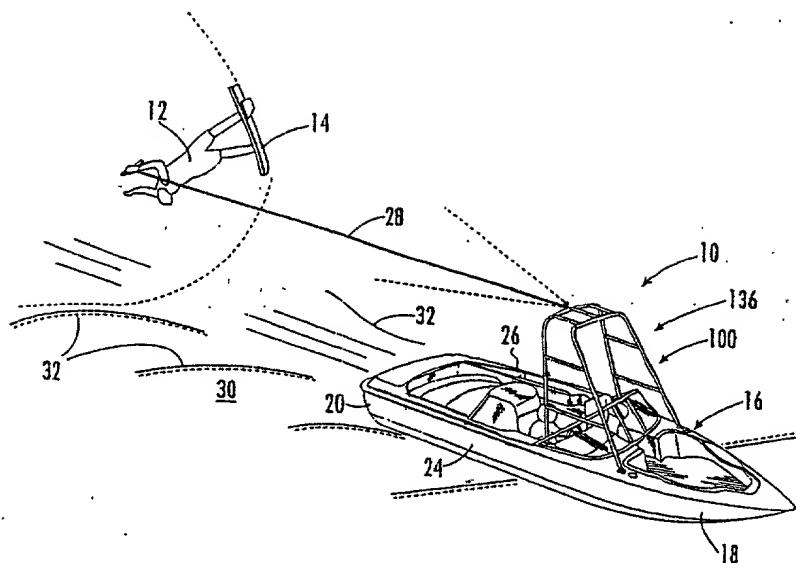


FIG. 1.

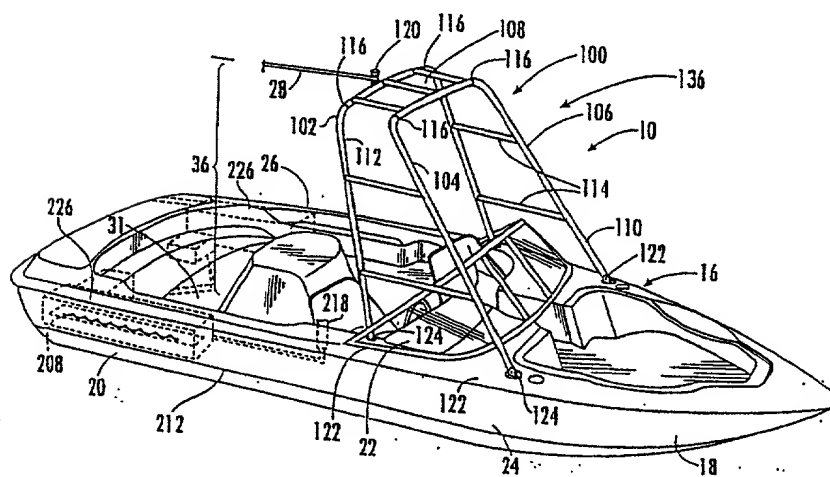
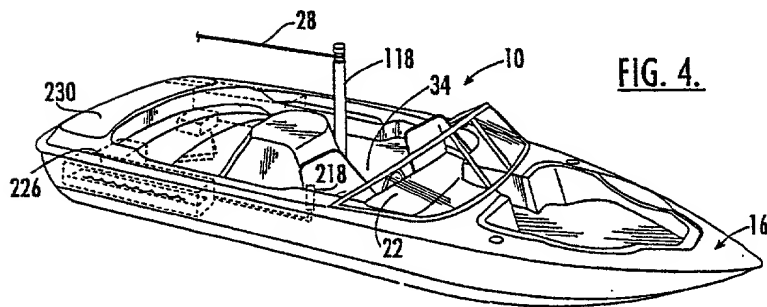
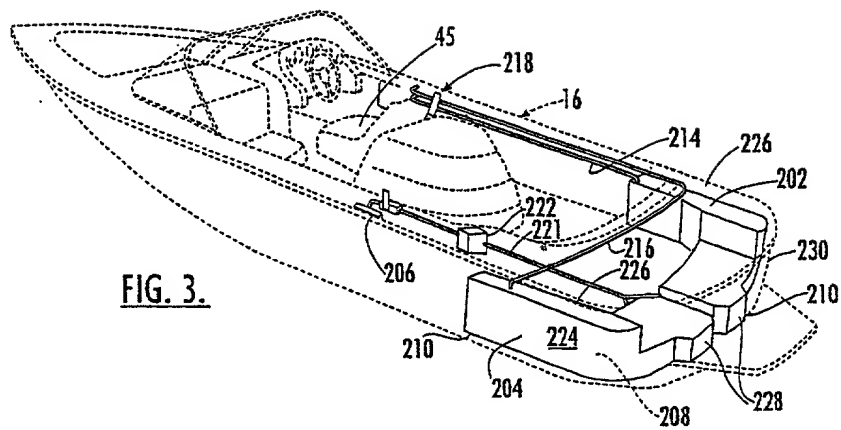
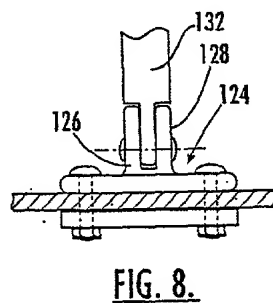
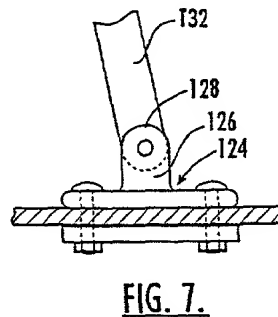
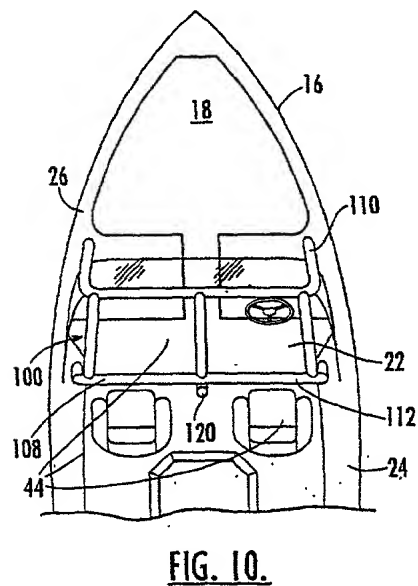
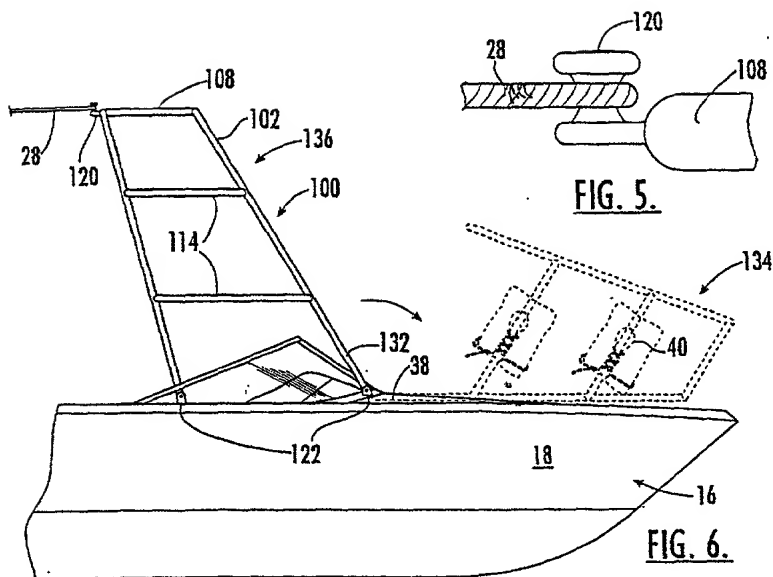


FIG. 2.





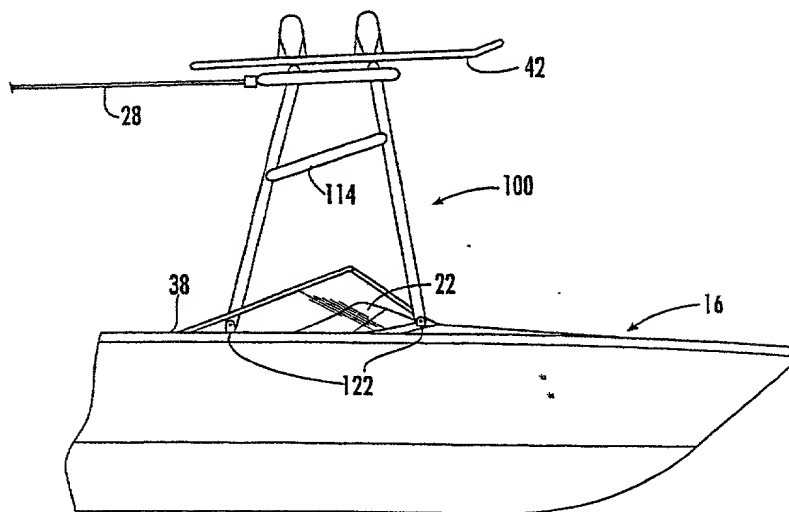


FIG. 9.

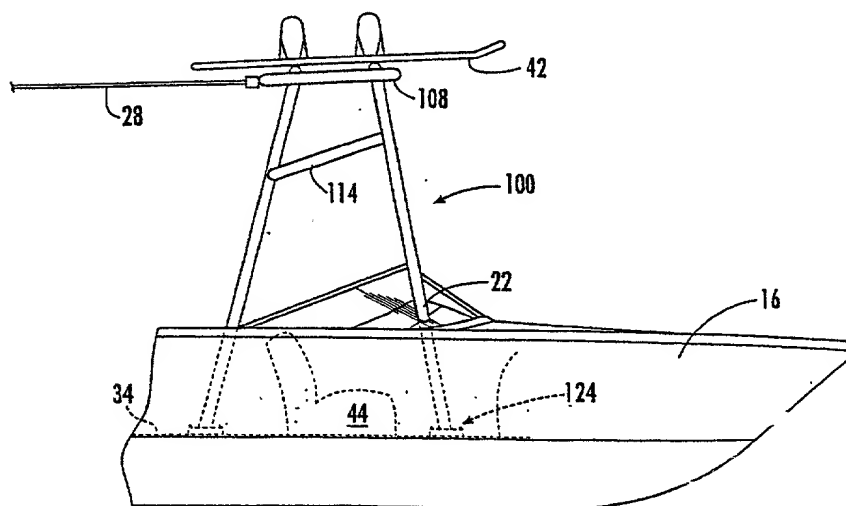


FIG. 11.

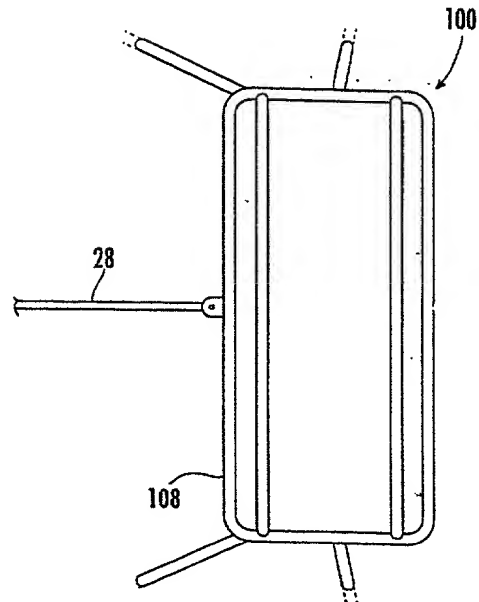


FIG. 12.

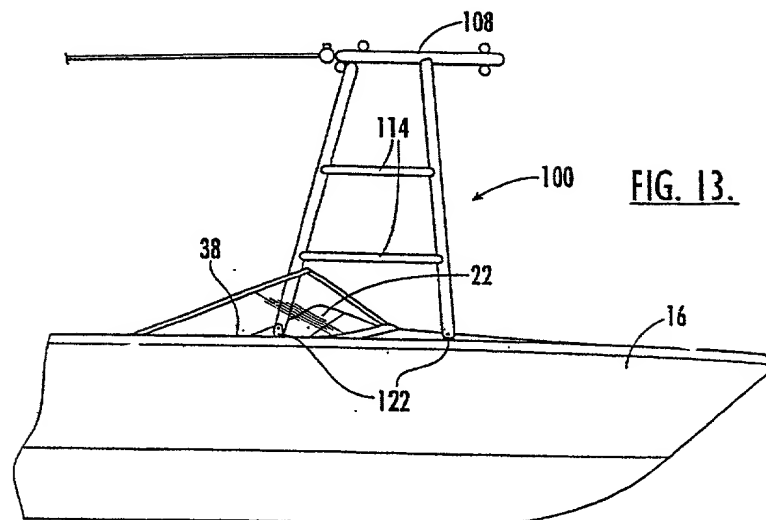


FIG. 13.

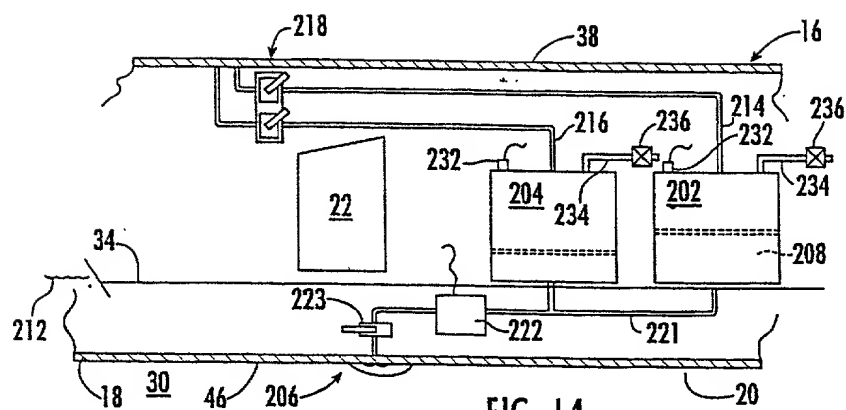


FIG. 14.

# REISSUE LITIGATION

PTO/SB/51 (12-97)  
Approved for use through 9/30/00. OMB 0651-0033  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)  
20238.2RE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,979,350, granted 11/9/1999, and for which a reissue patent is sought on the invention entitled \_\_\_\_\_

Water Sport Towing Apparatus and Method

the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☒ by reason of a defective specification or drawing.

☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of other errors.

At least one error upon which reissue is based is described as follows:

See Attachment to PTO/SB/51 (12/97)

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

# REISSUE LITIGATION

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
**20238.2RE**

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

Carl M. Napolitano 37,405

Herbert L. Allen 25,322

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☐ Customer Number

OR

Type Customer Number here

Place Customer Number Bar  
Code Label here

☒ Firm or  
Individual Name

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Borden M. Larson

Inventor's signature

Residence

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Date

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Citizenship

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Full name of second joint inventor (given name, family name)

William N. Snook

Inventor's signature

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Date

6/23/00

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Full name of third joint inventor (given name, family name)

Robert Todd

Inventor's signature

Residence

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Date

6-26-00

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1635 Minnesota Avenue, Winter Park, FL 32789

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

0000504434660

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Design Patent No.409,972 for:

Inventors: ROBERT TODD et al

Serial No.: 29/078,494

Filing Date: October 27, 1997

Issue Date: May 18, 1999

For: BOAT TOWER

POWER OF ATTORNEY AND REVOCATION OF PRIOR POWERS

In the matter of the above-entitled application, Assignee Correct Craft, Inc. hereby revokes all previous powers of attorney and appoints HERBERT L. ALLEN, Reg. No. 25,322; CHRISTOPHER S. REGAN, Reg. No. 34,906; JEFFREY S. WHITTLE, Reg. No. 36,382; RICHARD K. WARTHER, Reg. No. 32,180; MICHAEL W. TAYLOR, Reg. No. P43,182; ENRIQUE G. ESTÉVEZ, Reg. No. 37,823; CARL M. NAPOLITANO, Reg. No. 37,405; and JACQUELINE E. HARTT, Reg. No. 37,485, of the law firm of Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., 255 South Orange Avenue, Suite 1401, Post Office Box 3791, Orlando, Florida 32802, with full power of substitution, association and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected therewith.

Date

WALTER MELOON, PRESIDENT

State of Florida :  
 : ss.  
County of Orange :

On this 25<sup>th</sup> day of April, 2000, before me personally appeared the above-named **WALTER MELOON**, as the individual who executed the foregoing instrument, and who acknowledged to me that he executed the same of his own free will for the purposes therein set forth.

X Personally known to me.

\_\_\_\_ Produced the following identification:  
\_\_\_\_\_

S E A L



ANGELA R. PILKINGTON  
My Comm Exp. 5/16/2001  
Bonded By Service Ins  
No. CC647788  
☒ Personally Known ☐ Other I.D.

Angela R. Pilkington  
Notary Public  
My commission expires: 5/16/2001

Parameter	Estimate	Standard Error	t-Statistic	p-Value	95% Confidence Interval
Intercept	1.0000	0.0000	1.0000	1.0000	1.0000
Age	0.0000	0.0000	0.0000	1.0000	0.0000
Gender	0.0000	0.0000	0.0000	1.0000	0.0000
Marital Status	0.0000	0.0000	0.0000	1.0000	0.0000
Education	0.0000	0.0000	0.0000	1.0000	0.0000
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Health	0.0000	0.0000	0.0000	1.0000	0.0000
Occupation	0.0000	0.0000	0.0000	1.0000	0.0000
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---

Walter N. Meloon states that:

1. I am the President of Correct Craft, Inc. of Orlando, Florida.

2. Correct Craft, Inc. is the Assignee of U.S. Design Patent 409,972 from Robert Todd, Borden M. Larson and William N. Snook. The original assignments from those three inventors have been forwarded to the U.S. Patent and Trademark Office for recordation. Copies of the assignments are appended as Attachments A and B.

3. Correct Craft, Inc. consents to the correction of inventorship to add Borden M. Larson and William N. Snook as co-inventors.

April 25/2002  
Date

CORRECT CRAFT, INC.

By: 

WALTER N. MELOON  
President